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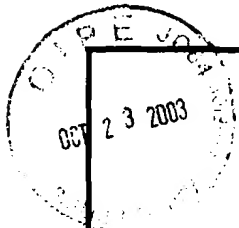
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GP1647

PTO/SB/21 (6-99)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/902,713

Filing Date

JULY 10, 2001

First Named Inventor

AVI ASHKENAZI

Group/Art Unit

1644

Examiner Name

ROARK, JESSICA H.

Total Number of Pages in This Submission

4

Attorney Docket Number

39780-1618 P2C34

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ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ **AMENDMENT / RESPONSE
(SUPPLEMENTAL PRELIMINARY
AMENDMENT)**

☐ After Final

☐ Version With Markings Showing
Changes

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete
Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Copy of Notice

☐ Copy of an Assignment

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, by Assignee to
Exclusion of Inventor Under 37 C.F.R.
§3.71 With Revocation of Prior Powers

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☐ Additional Enclosure(s)
(please identify below):

☒ **STAMPED RETURN POSTCARD**

Remarks

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN
CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-1618
P2C33.**

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or
Individual name

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Date

October 23, 2003

Customer Number:

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP NON-FEE AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **October 23, 2003**

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Typed or printed name

C. FONG

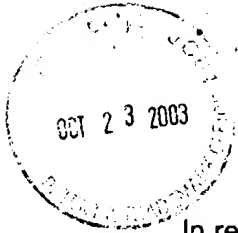
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C. Fong

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October 23, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Roark, Jessica H.
Avi ASHKENAZI, et al.) Art Unit: 1644
Application Serial No. 09/902,713) Attorney's Docket No. 39780-1618 P2C34
Filed: July 10, 2001) Customer No. 35489
For: ANTIBODIES TO PRO269)
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SUPPLEMENTAL PRELIMINARY AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This preliminary amendment is supplemental to the amendment filed October 16, 2003. Please consider the following arguments.

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Priority

In their Preliminary Amendment, Applicants provided reasons why the effective filing date of this application is February 11, 2000. The claims pending are fully entitled to claim priority to International Application PCT/US00/03565 filed February 11, 2000.

Claim Rejections - 35 USC § 102(a) and 102(b)

1. Claims 39-43 stand rejected under 35 USC 102(b) or in the alternative under 35 USC 102(a) as being anticipated by Wood et al. (WO99/14328). This rejection is traversed for the following reasons.

When discussing this rejection in the preliminary response, Applicants incorrectly indicated the wrong effective filing date. Applicants are asserting that the claims pending in this application are entitled to the effective filing date of February 11, 2000. Wood et al., was published less than one year prior to the effective filing date of the present application. Accordingly, Wood et al is not a 35 USC 102(b) prior art reference.

Applicant's disclosure of their own work within the year before the filing date of a patent application cannot be used against Applicants. Accordingly Wood et al. is not a 35 USC 102(a) prior art reference.

2. Claim 39-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Valenzuela et al. (WO00/11015) (published March 2, 2000) which allegedly teaches a protein that is at least 100% identical to SEQ ID NO:96.

Applicants, in discussing this rejection in the preliminary amendment, incorrectly indicated the wrong effective filing date. The claims pending in this application are entitled to the effective filing date of February 11, 2000. The cited primary reference Valenzuela et al. has a publication date of 3/2/2000 which is after the effective filing date (2/11/2000) of the present application. Hence, Valenzuela is not prior art under 102(b), and does not anticipate the present claims. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 39 and 43 stand rejected under 35 U.S.C. §103 as being unpatentable over Valenzuela et al. (published 3/2/2000) in view of Ramakrishnan et al.

Again, as discussed above, since the effective filing date of the present application is February 11, 2000, Valenzuela et al. is not prior art since its effective date is after the effective filing date of the present application. Ramakrishan et al. does not teach the claimed sequence. Accordingly, the present claims are not obvious over the combination of Valenzuela et al. and Ramakrishan et al. and Applicants request that this rejection be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-1618 P2C34). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: October 23, 2003

By: Leslie A. Mooi
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